

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**FILED**  
**JANUARY 25, 2008**

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Anastazja WOJTACH  
A 26 955 526

Plaintiff,

v.

Michael Chertoff  
Secretary of Department  
of Homeland Security  
Michael B. Mukasey  
U. S. Attorney General  
Ruth Dorochoff  
District Director, Department  
of Homeland Security  
Robert S. Mueller III  
Director of Federal Bureau of Investigation  
Defendants.

No:

**08 C 559**

**JUDGE ZAGEL  
MAGISTRATE JUDGE MASON**

**COMPLAINT FOR WRIT OF MANDAMUS**

1. Petition for ruling on Naturalization Application Pursuant to 8 U.S.C. § 1447(b)

**INTRODUCTION**

2. This is a civil action brought pursuant to 8 U.S.C. § 1447, 28 U.S.C. §1331 and 1361, 5 U.S.C. § 701 and 28 U.S.C. §2201 *et. seq.* to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Plaintiff is a Lawful Permanent Resident of the United States who is statutorily eligible to naturalize and become a United States citizen. Plaintiff's application for naturalization has been unlawfully delayed by the Defendants. As a consequence, this Court has jurisdiction to

adjudicate Plaintiff's naturalization application and to grant his naturalization pursuant to 8 U.S.C. § 1447(b).

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over the subject matter of this case pursuant to 8 U.S.C. § 1447(b) (jurisdiction over naturalization application), 28 U.S.C. § 1331 (federal question jurisdiction, 28 U.S.C. § 2201 (declaratory judgment) and 5 U.S.C. § 701 (Administrative Procedures Act). Jurisdiction is also conferred by 5 U.S.C. § 704.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e) and 8 U.S.C. § 1447(b) because Plaintiff resides within the district of this court.

### **PARTIES**

5. Plaintiff is a Lawful Permanent Resident who has resided in the United States for over thirteen years. Her Alien Registration Number is A 26 955 526. Her claim to naturalization arises under 8 U.S.C. § 1447(b).

6. Defendants are the, the U.S. Secretary of the Department of Homeland Security (DHS), U.S. Attorney General, the DHS U.S. Citizenship and Immigration Services (USCIS) District Director for the Northern District of Illinois and the Director of Federal Bureau of Investigation (FBI). They are responsible for the granting or denial of naturalization applications under the Immigration and Nationality Act and implementing regulations. *See, e.g.*, 8 U.S.C. § 1421, 8 C.F.R. § 310, and 8 C.F.R. § 316.3.

## **FACTS**

7. Plaintiff is a native and citizen of Poland.

8. On/or about December 20, 2004, Plaintiff filed her application for naturalization with the former Immigration and Naturalization Service's Chicago District Office, now the U.S. Citizenship and Immigration Services ("USCIS") who took over the responsibilities and duties of former Immigration and Naturalization Service. March 21, 2005, Plaintiff was interviewed on his naturalization application at the Chicago Office of the USCIS. Please see attached Exhibit 1.

9. At the interview, Plaintiff satisfied all of the respective requirements, responded truthfully to all questions, and provided all requested information and documents. The Plaintiff was told that he is awaiting National Security Check. Please see attached Exhibit 1.

10. Plaintiff's application remains pending despite inquiries to the Defendants about the status of his application in 2005, 2006 and 2007. Please see attached Group Exhibit 2.

11. Plaintiff is eligible for naturalization, meets all the requirements for naturalization, and would have been approved for naturalization if USCIS had properly followed and implemented the statute.

12. Many more than 120 days have passed since the initial interview and the Defendants have made no decision on Plaintiff's application in violation of 8 U.S.C. § 1447(b).

## **CLAIMS FOR RELIEF**

13. The Defendants' failure to make a determination on the Plaintiff's application within the 120-day statutory period entitles the Plaintiff to bring this matter before this Court for a hearing pursuant to 8 U.S.C. § 1447(b).

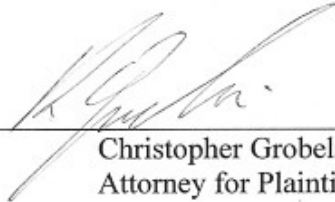
14. Plaintiff seeks a *de novo* judicial determination of his naturalization application and a grant of naturalization from this Court. In the alternative, Plaintiff seeks that the Court remand the application to USCIS with an order that it immediately adjudicate his application.

WHEREFORE, Plaintiff requests that the Honorable Court:

- A. Grant this petition and enter a judgment granting Plaintiff's naturalization and ordering that he is a naturalized citizen of the United States;
- B. In the alternative, remand the application to the USCIS with an order that it adjudicate the application within 15 days of said order;
- C. Grant attorney's fees and costs under the Equal Access to Justice Act and/or other appropriate authority;
- D. Grant such other and further relief as may be appropriate.

RESPECTFULLY SUBMITTED 29 <sup>JANUARY 2008</sup> Day of ~~December~~, 2007.

By: \_\_\_\_\_

  
Christopher Grobelski  
Attorney for Plaintiff

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